

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case Number 09-15077-BC  
Honorable Thomas L. Ludington

JOSEPH R. SHULTE,

Defendant.

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**ORDER GRANTING PLAINTIFF'S MOTION FOR ALTERNATE SERVICE**

On December 31, 2009, Plaintiff filed a complaint. On March 15, 2010, Plaintiff filed a motion for alternate service [Dkt. # 3]. Plaintiff attached the affidavit of a process server to the motion, verifying that at various times on February 5, 12, and 18, 2010, the process server attempted to personally serve Defendant at his last known address. Plaintiff also provided a copy of a certified mail receipt with restricted delivery that was unclaimed for ten days after two attempts at delivery on January 6 and 11, 2010. Plaintiff now seeks an order from the Court, permitting it to serve Defendant by alternate means. In a contemporaneously filed proposed order, Plaintiff requests that the Court allow Plaintiff to perfect service on Defendant by providing process through the following means: (1) First-Class Mail; (2) Certified mail, return receipt requested; and (3) tacking or affixing firmly to the door of 479 W 5th St. #2, Clare, MI 48617.

Under Federal Rule of Civil Procedure 4(e)(1), Plaintiff may serve Defendant by any means allowed under Michigan law. Under Michigan Court Rule 2.105(A), service can be made upon a defendant personally, or via certified mail with a return receipt requested and delivery restricted to the addressee. However, "upon a showing that service of process cannot reasonably be made" by

either of those means, a court may, by order “permit service of process to be made in any . . . manner reasonably calculated to give the defendant actual notice of the proceedings and an opportunity to be heard.” Under the circumstances of this case, Plaintiff has sufficiently shown that service of process cannot reasonably be made upon Defendant personally or via certified mail with a return receipt requested and delivery restricted to the addressee. The substituted means proposed by Plaintiff are reasonably calculated to give the defendant actual notice of the proceedings and an opportunity to be heard. Thus, Plaintiff will be permitted to serve Defendant by providing process through the three means identified above.

Accordingly, it is **ORDERED** that Plaintiff’s motion for alternate service [Dkt. # 3] is **GRANTED**. Plaintiff may perfect service of process by providing service through the following means: (1) First-Class Mail; (2) Certified mail, return receipt requested; and (3) tacking or affixing firmly to the door of 479 W 5th St. #2, Clare, MI 48617.

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge

Dated: April 1, 2010

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on April 1, 2010.

s/Tracy A. Jacobs  
TRACY A. JACOBS